

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500
General Email: TTABInfo@uspto.gov

September 4, 2020

Opposition No. 91252817

House of Kuipers, LLC

v.

John Zox

Jill M. McCormack, Interlocutory Attorney:

On September 3, 2020, the Board issued an order construing Opposer/Counterclaim Defendant, House of Kuipers, LLC's Notice of Change of Ownership as a motion to substitute and allowed Applicant 20 days to respond thereto. (19 TTABVUE). The Board hereby clarifies its September 3, 2020 order as follows:

On June 17, 2020, Opposer/Counterclaim Defendant, House of Kuipers, LLC ("House"), filed its "Notice of Change of Ownership" as to its pleaded Registration Nos. 4412948, 4465691, 4759961 and 5233845. (18 TTABVUE). Also on June 17, 2020, House filed a "Notice of Appearance" of counsel on behalf of Zox, LLC. (17 TTABVUE).

Neither of House's June 17, 2020 submissions included proof of service. Trademark Rule 2.119(a) states that every submission filed in an inter partes

proceeding must be served upon the other party or parties, and proof of such service must be made before the submission will be considered. *See* TBMP § 113.02. The Board informed the parties of the rules governing service and the service requirement in the notice of institution. Trademark Rule 2.119(b) sets forth the manner of service. *See also* TBMP § 113.04.

Nevertheless, in order to expedite matters, and because the interests of the parties would be served thereby, the Board exercised its discretion to serve House's submission and to consider the construed motion to substitute. However, the Board may decline to read or consider any future submission filed by House in this proceeding which does not include proof of service.

As noted, Applicant/Counterclaim Plaintiff, John Zox, is allowed until **September 23, 2020** to respond to the construed motion to substitute, failing which the motion may be granted as conceded. *See* Trademark Rule 2.127(a).

House's reply, if any, must be filed in accordance with Trademark Rule 2.127(a).

Proceedings remain SUSPENDED pending disposition of the motion to substitute.